



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 24, 1995

Mr. Edward H. Perry
Assistant City Attorney
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR95-090

Dear Mr. Perry:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30763.

Dallas/Fort Worth International Airport ("DFW") received an open records request for an appraisal of certain property. Your office represents DFW. You indicate that DFW is currently negotiating with the owners of the appraised property to acquire the site in question and that release of the appraisal at this time would damage DFW's negotiating position. You also indicate that if these negotiations fail, DFW will have to institute condemnation proceedings to obtain the property. DFW's argument is that the requested appraisal is excepted from disclosure pursuant to sections 552.103(a) and 552.105 of the Government Code.


Section 552.105 excepts from required public disclosure information relating to:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

This exception protects a governmental body's planning and negotiating position with respect to particular transactions. Open Records Decision No. 357 (1982). It provides an exception from required disclosure until the particular transaction is complete. See Open Records Decision No. 310 (1982).

You submitted the requested appraisal to this office for review. We conclude that the submitted appraisal may be withheld from required public disclosure under section 552.105 of the Government Code. Because the appraisal may be withheld pursuant to section 552.105, we do not at this time need to address the applicability of section 552.103(a). We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/KHG/rho

Ref.: ID# 30783

Enclosures: Submitted documents

cc: Mr. Dan C. Downs, III
Gramex Property Corporation
3740 Versailles Road
Lexington, Kentucky 40510
(w/o enclosures)